

REMARKS

The Examiner is thanked for the Official Action dated July 17, 2001. The above amendment and remarks to follow are intended to be fully responsive thereto.

The Examiner is thanked for the indication of allowability of claims 5 and 13.

Claims 4-8 were rejected under 35 U.S.C. 112 second paragraph for indefinite language. Claims 4, and 6-8 have been amended in accordance with the Examiner's comments and are now believed to conform to 35 U.S.C. 112.

Claims 1 and 9 were rejected under 35 U.S.C. 102(b) as being anticipate by Ericson. Claims 1 and 9 were rejected under 35 U.S.C. 102(b) as being anticipate by Ciochetti. Applicant respectfully disagrees. Neither Ericson no Ciochetti discloses a tubular member with a wall having an aperture or a resileit member covering such an aperture. Ciochetti discloses nothing more than a conventional valve with a movable member covering an end of the valve body. Ericson fails to disclose a resilient diaphragm. Rather Ericson discloses a freely movable member that either closes with a positive pressure gradient and is always open with a negative pressure drop. The freely movable member is not responsive to a predetermined threshold value as in the present invention. Lastly, the prior art does not disclose such a

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resilient diaphragm adapted for anchoring along an exterior surface of an air induction tract. Therefore, any rejection of claims 1 and 9 under 35 U.S.C. 102, or 103 is improper.

Claims, 2-3, 6-8, 10-11 and 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson in view of Horner. Applicant respectfully disagrees. Firstly, the aforementioned arguments regarding claims 1 and 9 are equally applicable to the present rejection. Secondly, the Examiner has apparently misconstrued the disclosure of Horner. Horner discloses a check valve for evacuating air in a power assist booster. Excess air is simply relieved to the inlet manifold of an internal combustion engine. The valve operates in response to pressure build up in the brake power assist booster and is not directed to a valve which reacts solely to the pressure within the intake valve. The present invention is directed to a supplemental source of air in response to negative pressure in the intake valve. Horner discloses a check valve which responds to pressure build up in the power assist booster. Once the air is evacuated, the check valve no longer can provide a source of air simply in response to negative pressure in the intake tract. There is simply no motivation, or conceivable way to replace the valve of Horner with the valves of Ericson or Ciochetti. The prior art simply does not provide any disclosure or suggestion to incorporate a pressure relief valve in the intake tract of an internal combustion engine that is solely responsive to negative pressure above a threshold value. Thus any rejection of

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claims 2-3, 6-8, 10-11 and 14-15 under 35 U.S.C. 103 is improper.

New claims 16-20 were added to further define the invention over the prior art.

Claims 1-20 are now believed to be in condition for allowance and notice to that effect is earnestly solicited.

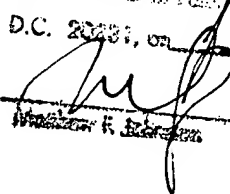
Should the Examiner believe further discussion regarding the above claim language would expedite prosecution, he is invited to contact the undersigned at the number listed below.

Respectfully submitted:

By: 

Matthew F. Johnston
Reg. No. 41,0096

Liniak, Berenato, Longacre & White
Suite 240
6550 Rock Spring Drive
Bethesda, Maryland 20817
(301) 896-0600

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